

PATENT COOPERATION TREAT.

1FD

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:

WOLF GREENFIELD & SACKS, P.C.
Attn. Morris, James H.
600 Atlantic Avenue
Boston, Massachusetts 02210
UNITED STATES OF AMERICA

Date of mailing
(day/month/year)

03/09/2004

Applicant's or agent's file reference

B1075.71014 W000

PAYMENT DUE

within 45 ~~XXXX~~ days/days
from the above date of mailing

International application No.

PCT/US2004/009618

International filing date
(day/month/year)

29/03/2004

Applicant

C.R. BARD, INC.

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~XXXX~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~XXXX~~ on the extra sheet:

DOCKETED

SEP 10 2004

Confirmation of invention	<input type="checkbox"/>	Initials
Docketing	<input checked="" type="checkbox"/>	<u>gnd</u>
10/18/04		
11/3/04		

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 1 = EUR 1.550,00
Fee per additional invention number of additional inventions total amount of additional fees

Or, _____ x _____ = _____

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Astrid Lambertz

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-7,11-13,16-19

axially adjustable electrode

2. claims: 8-10,14,15,20-31

radially adjustable electrode

Prior art document W002087437 discloses a catheter comprising a catheter shaft and an ablation electrode disposed on the shaft having an outer surface convertible from a first configuration with a first axial and a first radial size to a second configuration with a second axial size and a second radial size.

Claim 1 further describes the second radial size to be equal to the first radial size therefore defining a special technical feature for the first invention.

Independent claims 11,16 and their subclaims have been grouped in the first invention.

Claim 8 further describes the second axial size to be equal to the first axial size therefore defining a special technical feature for the second invention.

Independent claims 14, 20, 24 and their respective subclaims have been grouped in the second invention.

The respective special technical features defined for each invention are neither the same nor corresponding since they also solve different problems, namely:

- 1: adjusting the length of the lesion created by the electrode;
- 2: treating vessels with different diameters with the same electrode;

Therefore the requirement of unity of invention (Rule 13.1 PCT) is not fulfilled.

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 514 246 B1 (FLEISCHMAN SIDNEY D ET AL) 4 February 2003 (2003-02-04)	1, 11-13
A	column 8, line 26 - line 34; figures 12a, b	16
X	US 6 488 680 B1 (FRANCISCHELLI DAVID E ET AL) 3 December 2002 (2002-12-03)	1, 11-13
	column 6, line 63 - column 7, line 2; figure 5	
X	WO 95/20360 A (VALLEYLAB INC) 3 August 1995 (1995-08-03)	1, 11-13
	column 6, line 14 - line 20; figures 1, 2	
A	US 6 178 354 B1 (GIBSON CHARLES A) 23 January 2001 (2001-01-23)	1, 11
	abstract; figure 1	
A	WO 02/087437 A (BARD INC C R ; FALWELL GARY (US); MAC ADAM DAVID (US)) 7 November 2002 (2002-11-07)	1, 16
	page 7, line 15 - line 22	

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Patent Family Annex

Information on patent family members

International Application No

PCT/US2004/009618

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 6514246	B1	04-02-2003	US 6171306 B1 09-01-2001
			US 5582609 A 10-12-1996
			US 2003088244 A1 08-05-2003
			CA 2174131 A1 20-04-1995
			EP 0723469 A1 31-07-1996
			JP 10507373 T 21-07-1998
			WO 9510327 A1 20-04-1995
			CA 2174129 A1 20-04-1995
			EP 0754075 A1 22-01-1997
			JP 9509069 T 16-09-1997
			WO 9510318 A1 20-04-1995
			WO 9510236 A1 20-04-1995
			US 2002193790 A1 19-12-2002
			US 2003018330 A1 23-01-2003
			US 6357447 B1 19-03-2002
			US 6447506 B1 10-09-2002
			US 6001093 A 14-12-1999
			US 6471699 B1 29-10-2002
			US 6106522 A 22-08-2000
			US 6129724 A 10-10-2000
			US 5991650 A 23-11-1999
			WO 9510321 A1 20-04-1995
			US 6146379 A 14-11-2000
			WO 9510319 A1 20-04-1995
			US 5545193 A 13-08-1996
			US 5871523 A 16-02-1999
			WO 9510225 A1 20-04-1995
			US 5637090 A 10-06-1997
			WO 9510226 A1 20-04-1995
			US 5860920 A 19-01-1999
US 6488680	B1	03-12-2002	AU 5365601 A 12-11-2001
			EP 1278472 A2 29-01-2003
			WO 0182813 A2 08-11-2001
			US 2003036789 A1 20-02-2003
WO 9520360	A	03-08-1995	AU 1076195 A 15-08-1995
			DE 9490471 U1 26-09-1996
			WO 9520360 A1 03-08-1995
			JP 2925036 B2 26-07-1999
			JP 9501859 T 25-02-1997
US 6178354	B1	23-01-2001	CA 2351323 A1 08-06-2000
			CA 2353454 A1 08-06-2000
			DE 1133264 T1 04-07-2002
			EP 1133264 A1 19-09-2001
			EP 1135078 A1 26-09-2001
			JP 2002531164 T 24-09-2002
			JP 2002531165 T 24-09-2002
			WO 0032129 A1 08-06-2000
			WO 0032130 A1 08-06-2000
WO 02087437	A	07-11-2002	EP 1383426 A1 28-01-2004
			WO 02087437 A1 07-11-2002

PATENT COOPERATION TREATY

IKD

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

MORRIS, James, H.
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
United States of America

Date of mailing (day/month/year) 02 July 2004 (02.07.2004)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference B1075.71014 <i>WGS</i>	
International application No. PCT/US2004/009618	International filing date (day/month/year) 29 March 2004 (29.03.2004)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 28 March 2003 (28.03.2003)
Applicant C.R. BARD, INC. et al	

- By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- (If applicable) The letters "NR" appearing in the right-hand column denote a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- (If applicable) An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b) (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Priority date	Priority application No.	Country or regional Office or PCT receiving Office	Date of receipt of priority document
28 Marc 2003 (28.03.2003)	60/458,489	Confirmation <input type="checkbox"/> US	04 June 2004 (04.06.2004)
28 Marc 2003 (28.03.2003)	60/458,490	Docketing <input checked="" type="checkbox"/> US	04 June 2004 (04.06.2004)
28 Marc 2003 (28.03.2003)	60/458,491	US	07 June 2004 (07.06.2004)
28 Marc 2003 (28.03.2003)	60/458,643	US	07 June 2004 (07.06.2004)
28 Marc 2003 (28.03.2003)	60/458,856	US	07 June 2004 (07.06.2004)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.71.30 Form PCT/IB/304 (January 2004)	Authorized officer Luis DA COSTA (Fax 338-71-30) Telephone No. (41-22) 338 8221
--	---

DOCKETED

JUL 15 2004

006335024

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF RECEIPT OF
RECORD COPY

(PCT Rule 24.2(a))

From the INTERNATIONAL BUREAU

To:

MORRIS, James, H.
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
United States of America

Date of mailing (day/month/year) 10 June 2004 (10.06.2004)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference B1075.71014 <i>Woo</i>	International application No. PCT/US2004/009618

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

C.R. BARD, INC. (for all designated States except US)
STEVENS-WRIGHT, Debbie et al (for US)

International filing date : 29 March 2004 (29.03.2004)
Priority date(s) claimed : 28 March 2003 (28.03.2003)
28 March 2003 (28.03.2003)
28 March 2003 (28.03.2003)
28 March 2003 (28.03.2003)
28 March 2003 (28.03.2003)

Date of receipt of the record copy
by the International Bureau : 07 June 2004 (07.06.2004)

List of designated Offices :

AP : BW, GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW

EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM

EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR

OA : BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG

National : AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

DOCKETED

JUN 25 2004

Confirmation	<input type="checkbox"/>	Initials
Docketing	<input checked="" type="checkbox"/>	<i>Just</i>
<i>11/2/04 a/e</i>		
<i>CHM</i>		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer: Laurence GALLAY (Fax 338-71-30)
Facsimile No. (41-22) 338.71.30	Telephone No. (41-22) 338 9310

Continuation of Form PCT/IB/301

NOTIFICATION OF RECEIPT OF RECORD COPY

Date of mailing (day/month/year) 10 June 2004 (10.06.2004)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference B1075.71014	International application No. PCT/US2004/009618

ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- ☒ time limits for entry into the national phase - see updated important information (as of April 2002)
- ☒ requirements regarding priority documents (if applicable)

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

INFORMATION ON TIME LIMITS FOR ENTERING THE NATIONAL PHASE

The applicant is reminded that the **"national phase"** must be entered before each of the designated Offices indicated on the cover sheet of this Notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with other special requirements applicable in certain Offices. It is the **applicant's responsibility** to ensure the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

The **applicable time limit** for entering the national phase will, **subject to what** is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see PCT Gazette No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the PCT Newsletter, October and November 2001 and February 2002 issues.

In practice, **time limits other than the 30-month time limit will continue to apply**, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the PCT Gazette ("Section IV" part published on a weekly basis), to the PCT Newsletter (on a monthly basis) and to the relevant National Chapters in Volume II of the PCT Applicant's Guide (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO's Internet site, via links from various pages the site including those of the Gazette, Newsletter and Guide, at <http://www.wipo.int/pct/en/index.html>.

Information about the requirements for filing a demand for international preliminary examination is set out in the PCT Applicant's Guide, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before that date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within the time limit which is reasonable under the circumstances (Rule 17.1(c)).

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit (and all other PCT time limits) is the filing date of the earliest application whose priority is claimed (Article 2(xi)(b)).